

REMARKS UNDER 37 CFR § 1.116

Formal Matters

Claims 1-6, 8-15, 17-20 and 22-31 are pending after entry of the amendments set forth herein.

Claims 1-6, 8-15, 17-20 and 22-31 were examined. Claims 8, 10 and 28-31 were rejected.

Claims 1-6, 9, 11-15, 17-20 and 22-27 were allowed.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Office Action

Initially, Applicants wish to extend their thanks to the Examiner for the allowance of claims 1-6, 9, 11-15, 17-20 and 22-27.

Claim 28 was rejected under 35 U.S.C. Section 102(b) as being anticipated by Chaux, U.S. Patent No. 4,852,552. In response thereto, Applicants have amended claim 28 to further recite that said body includes at least one opening for receiving a reinforcing member extending from said drive mechanism, to strengthen said body under loads incurred during sternal retraction.

Since Chaux clearly fails to disclose or suggest the recitations added to claim 28 by the above amendment, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 28 under 35 U.S.C. Section 102(b) as being anticipated by Chaux, U.S. Patent No. 4,852,552, as being clearly no longer appropriate.

Claims 8, 10 and 30 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hancock, U.S. Patent No. 6,331,157, in view of Cocchia et al., U.S. Patent No. 6,224,545. The Examiner asserted that it would have been obvious to have made the retractor blades of Hancock to have been comprised of engineering polymer. Without acquiescing to this assertion, Applicants have amended claims 8 and 30 in order to place this application into condition for allowance, to advance the prosecution. Claim 8 has been amended to further recite that the first end of the body has a first cavity extending substantially along a direction of a longitudinal axis of the blade that is adapted to receive a support member extending from the drive mechanism. Neither Hancock nor Cocchia et al. teaches or suggests such a feature. It is further respectfully submitted that claim 10 is allowable at least for the same reasons, since it depends from claim 8. Claim 30 has been amended to recite that the body has at

least one opening in said first end for receiving a reinforcing member, to strengthen the body under loads incurred during sternal retraction. Neither Hancock nor Cocchia et al. teaches or suggest this feature.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 8, 10 and 30 under 35 U.S.C. Section 103(a) as being unpatentable over Hancock, U.S. Patent No. 6,331,157, in view of Cocchia et al., U.S. Patent No. 6,224,545, as being inappropriate.

Claim 31 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hancock, U.S. Patent No. 6,331,157, in view of Cocchia et al., U.S. Patent No. 6,224,545, as applied to claim 30, and further in view of Burgin, U.S. Patent No. 4,300,541. The Examiner asserted that Burgin teaches the provision of at least one opening (120,124, 128) in a retractor blade, and that it would have been obvious to have included such an opening in the blade of Hancock for the insertion of stiffening members. Applicants respectfully disagree. Burgin discloses a speculum lens structure, as noted in the title of the patent. The openings 120, 124 and 128 are adapted to receive a light source and lead to wave guiding ribs. Accordingly, it would not have been obvious to put stiffening members into the wave guiding ribs, since this would effect (and potentially totally destroy) the functionality intended by Burgin, i.e., that of providing a pathway to view the opening provided by spreading the speculum. Nor would it have been obvious to provide the wave guiding ribs and openings of Burgin in a retractor blade of Hancock, since there would be nothing of interest to observe through such ribs, given the orientation of the blades of Hancock in use. Further, Applications have amended claim 31 to still further define over the cited references by reciting the opening is adapted to receive a reinforcing member extending from the drive mechanism.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 31 under 35 U.S.C. Section 103(a) as being unpatentable over Hancock, U.S. Patent No. 6,331,157, in view of Cocchia et al., U.S. Patent No. 6,224,545, as applied to claim 30, and further in view of Burgin, U.S. Patent No. 4,300,541, as being inappropriate.


Conclusion

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number GUID-012CON.

Respectfully submitted,
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